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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,347	12/12/2003	Lundy S. Fields	SF03.1-011	3746

23506 7590 02/27/2007  
GARDNER GROFF SANTOS & GREENWALD, P.C.  
2018 POWERS FERRY ROAD  
SUITE 800  
ATLANTA, GA 30339

EXAMINER
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MILLER, WILLIAM L

ART UNIT	PAPER NUMBER
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3677

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/27/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/735,347

Applicant(s)

FIELDS ET AL.

Examiner

William L. Miller

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 11-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-17 and 19 is/are allowed.
- 6) ☒ Claim(s) 18 and 20-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. The amendment received on 12-04-2006 has been entered. Claims 10-27 are pending.

***Claim Objections***

2. Claims 10, 11, 13, 15-18, 20-22, 24, and 26 are objected to because of the following informalities:

claim 10, line 2, after “consumers” insert --, said devices receiving coins--;

claim 10, line 7, before “coin” insert --said-- and before “coins” insert --said--;

claim 11, line 2, before “charitable” insert --said-- and before “coins” insert --said--;

claim 13, line 2, change “a” to --said--;

claim 15, line 3, after “consumers” insert --, said devices receiving coins--;

claim 15, line 4, before “consumers” insert --said--;

claim 15, line 5, after “amount” insert --of said coins-- and change “charity” to --a charitable entity--;

claim 15, line 8, change “with” to --on--;

claim 15, line 9, after “amounts” insert --of said coins--;

claim 16, line 2, change both recitations of “a” to --said--;

claim 17, line 2, before “funding” insert --said--;

claim 18, line 1, before “coin” insert --said--;

claim 18, line 2, before “coins” insert --said--;

claim 20, line 2, before “coin” insert --said-- and before “coins” insert --said--;

claim 20, line 4, change “a” to --said--;

claim 20, line 5, change “a” to --said--;

claim 20, line 6, before “funding” insert --said--;

claim 21, line 2, after “consumers” insert --, said devices receiving coins--;

claim 22, line 1, before “coin” insert --said--;

claim 22, line 2, before “coins” insert --said--;

claim 24, line 2, before “charitable” insert --said-- and before “coins” insert --said--; and

claim 26, line 2, change “a” to --said--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

3. Claims 18 and 20-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. In order to distribute charitable amounts as recited in claim 15, the coin collection and retention devices would have to be first accepted from the consumers. Consequently, the accepting limitation in claims 18 and 20 is unclear. It appears the accepting limitation should be included in claim 15.

5. In claim 21, line 4, the phrase “and/or” renders the scope of the claim unclear.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 21, 22, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silcox (US#D304644) in view of Ricciardi (US#2731226).

8. Regarding claim 21, Silcox discloses a coin collection and retention device (Fig. 1) receiving coins in its front end in its “donation box”; and a commercial entity advertising a product adjacent the rear end of the device in its “advertising holder”, the inherent advertisements being viewed as on the exterior of the device.

9. Silcox fails to specifically disclose advertising a charitable entity on the exterior of the device. However, Ricciardi discloses in col. 2, lines 51-55, a coin collection and retention device 29 having an advertisement of the associated charity on the exterior thereof such that the donor is clearly informed of the specific charity to which they are donating. Therefore, as taught by Ricciardi, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Silcox by advertising a charitable entity on the exterior of the device such that the donor is clearly informed of the specific charity to which they are donating.

10. Regarding claim 22, the device is inherently accepted so that the donations can be collected.

11. Regarding claim 27, Silcox disclose a free sample product, namely the inherent confectionary in the confectionary tray portion of the device.

12. Regarding claims 21, 22, and 27, Silcox in view of Ricciardi discloses all the claimed structure require to perform the claimed method, and under the principles of inherency, if a prior art device, in its normal and usual operation, would necessarily perform the method claimed, then the method claimed will be considered to be anticipated by the prior art device. When the prior art device is the same as a device described in the specification, it can be assumed the

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device will inherently perform the same process. *In re King*, 802 F.2d 1324, 231 USPQ 136 (Fed. Cir. 1986).

***Allowable Subject Matter***

13. Claims 10-17 and 19 are allowed.

14. Claims 18, 20, and 23-26 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

15. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

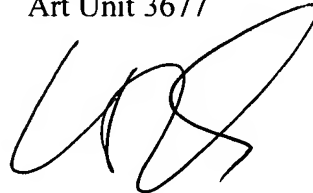
17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Miller whose telephone number is (571) 272-7068. The examiner can normally be reached on Tuesday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

William L. Miller  
Primary Examiner  
Art Unit 3677

A handwritten signature in black ink, appearing to be 'WLM', written over the printed name of William L. Miller.

WLM